

EXHIBIT 1

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

| | | |
|--------------------------|---|-------------------|
| _____ |) | |
| WAYMO LLC, |) | |
| |) | |
| Plaintiff, |) | |
| |) | |
| vs. |) | Case No. |
| |) | 3:17-cv-00939-WHA |
| UBER TECHNOLOGIES, INC., |) | |
| OTTOMOTTO LLC; OTTO |) | |
| TRUCKING LLC, |) | |
| |) | |
| Defendants. |) | |
| _____ |) | |

HIGHLY CONFIDENTIAL - ATTORNEYS' EYES ONLY

VIDEOTAPED DEPOSITION OF GARY T. BROWN

San Francisco, California

Friday, March 24, 2017

Volume I

Reported by: SUZANNE F. GUDELJ
CSR No. 5111

Job No. 2577644

PAGES 1 - 65

1 A A different time period.

2 Q When did you begin doing your work with
3 respect to Mr. Levandowski?

4 A Around March 2016.

5 Q So the information that is contained in the 11:41:37
6 paragraphs pertaining to Mr. Levandowski, let's say
7 paragraphs 12 through paragraphs 22 of your
8 declaration, that is information that you obtained
9 in approximately March of 2016?

10 MR. HOLMES: Objection to form. 11:41:58

11 THE WITNESS: Between March 2016 and
12 February 2017.

13 BY MR. GONZALEZ:

14 Q All right. So let's try it this way: Of
15 the information that is in your declaration in 11:42:21
16 paragraphs 12 through 23, what information did you
17 uncover, if you will, or learn about in March of
18 2016?

19 A Very little, if any.

20 Q What work did you do in March of 2016 11:42:58
21 pertaining to Mr. Levandowski?

22 A I received the laptop -- laptops I should
23 say.

24 Q The laptops that he was assigned at Google?

25 A Yes. 11:43:27

1 that Kristinn learned information from the lawyers
2 that they relayed to you, I don't want you to answer
3 that.

4 THE WITNESS: To determine what had
5 happened on them.

11:45:58

6 BY MR. GONZALEZ:

7 Q Why was that an issue?

8 MR. HOLMES: Again, same cautionary -- to
9 the extent that you learned that information from
10 lawyers --

11:46:09

11 BY MR. GONZALEZ:

12 Q Let me back up and ask you -- let me make
13 this a little easier.

14 When is the first time that you can
15 remember ever talking to a lawyer yourself about Mr. 11:46:15
16 Levandowski?

17 A July or August of 2016.

18 Q All right. So whenever you're doing --
19 whatever work you're doing in March of 2016, you
20 personally had not spoken to any attorney about Mr. 11:46:39
21 Levandowski; is that right?

22 A I don't believe so.

23 Q How is it that the laptops ended up in your
24 possession? Where did you get them from?

25 A Kristinn had received them from another 11:47:01

1 Q What were you asked to do?

2 MR. HOLMES: Same caution.

3 THE WITNESS: Investigate a laptop.

4 BY MR. GONZALEZ:

5 Q For what? 11:55:59

6 MR. HOLMES: Same caution.

7 THE WITNESS: To determine what had
8 occurred on them.

9 BY MR. GONZALEZ:

10 Q Such as? 11:56:17

11 A Indications of policy violation.

12 Q Did you find any indication of policy
13 violation?

14 A I'm unsure.

15 Q Approximately how many hours did you spend 11:57:03
16 in March of 2016 working on this event pertaining to
17 Mr. Levandowski?

18 MR. HOLMES: Objection to form.

19 THE WITNESS: Zero hours.

20 BY MR. GONZALEZ: 11:57:28

21 Q When did you spend your first hour working
22 on anything pertaining to Mr. Levandowski?

23 A July or August, 2016.

24 Q If there is an indication of policy
25 violation, is it your practice to fill out a form 11:57:45

1 attorney?

2 MR. HOLMES: Pardon me?

3 MR. GONZALEZ: Yeah, which -- which
4 attorney are you referring to?

5 MR. HOLMES: Google and/or Waymo counsel 12:15:25
6 generally.

7 BY MR. GONZALEZ:

8 Q Your declaration -- your declaration makes
9 reference to 14,000 files; do you recall that?

10 A Yes. 12:15:40

11 Q When did you -- are you the person who
12 discovered that there were 14,000 files allegedly
13 downloaded?

14 A No.

15 Q Who discovered that? 12:15:50

16 MR. HOLMES: Caution you not to disclose
17 any attorney-client communications or work product.

18 MR. GONZALEZ: Well, I'm telling you it's
19 a -- it's a waiver once it makes its way into a
20 declaration filed in federal court. So let me do it 12:16:09
21 this way.

22 BY MR. GONZALEZ:

23 Q You say in your declaration, paragraph 17,
24 that based on your review of logs, Mr. Levandowski
25 allegedly downloaded over 14,000 files. Do you see 12:16:30

1 MR. HOLMES: -- the question he has.

2 MR. GONZALEZ: Let's go off the record.

3 VIDEO OPERATOR: We are off the record at
4 12:24 p.m.

5 (Recess.) 12:27:59

6 VIDEO OPERATOR: We are back on the record
7 at 12:27 p.m.

8 BY MR. GONZALEZ:

9 Q Who told you that Mr. Levandowski had
10 access to the server and downloaded 14,000 files? 12:28:07

11 A A lawyer.

12 Q Which lawyer?

13 A Tom Gorman.

14 Q And did you then seek to confirm that by
15 your analysis? 12:28:22

16 A Yes.

17 Q And did you confirm that in October of
18 2016?

19 A I corroborated the download with network
20 traffic. 12:28:43

21 Q So you looked at the network traffic to
22 corroborate that 14,000 files were downloaded onto
23 what device?

24 A Anthony Levandowski's work laptop.

25 Q The work laptop that was issued to him by 12:29:00

HIGHLY CONFIDENTIAL - ATTORNEYS EYES ONLY

1 I, the undersigned, a Certified Shorthand
2 Reporter of the State of California, do hereby
3 certify:

4 That the foregoing proceedings were taken
5 before me at the time and place herein set forth;
6 that any witnesses in the foregoing proceedings,
7 prior to testifying, were duly sworn; that a record
8 of the proceedings was made by me using machine
9 shorthand which was thereafter transcribed under my
10 direction; that the foregoing transcript is a true
11 record of the testimony given.

12 Further, that if the foregoing pertains to
13 the original transcript of a deposition in a Federal
14 Case, before completion of the proceedings, review
15 of the transcript [] was [X] was not requested.

16 I further, certify I am neither financially
17 interested in the action nor a relative or employee
18 of any attorney or party to this action.

19 IN WITNESS WHEREOF, I have this date
20 subscribed my name.

21 Dated: 3/27/17

22 
23

SUZANNE F. GUDELJ

24 CSR No. 5111
25